



STATE OF ALABAMA
SURFACE MINING COMMISSION

P.O. BOX 2390 - JASPER, ALABAMA 35502-2390
(205) 221-4130 • FAX: (205) 221-5077

Permit Revision Number: R-14

REVISION TO PERMIT FOR
SURFACE COAL MINING OPERATIONS

Pursuant to the Alabama Surface Mining Control and Reclamation Act, Act No. 81-435, and duly promulgated rules of the Commission, revision is hereby approved for permit:

P-3819-63-16-S
TUSCALOOSA RESOURCES INC
PO BOX 361370
BIRMINGHAM AL 35244
(CARTER MINE)

License No.: L-674

Pursuant to the
permit map: 1 OF 1

Certified by: ROBERT W USHER #15917

Date: 10-11-11

The permit is revised as follows:

1. Add 2 incidental acres to Increment #4 for parking and storage.
2. Add 79 mining acres to Increment #4.
3. Modify the general plan to add Sediment Basin 015.
4. Update the Hydrologic Monitoring Plan.
5. Extension of the approved Topsoil Variance for the area added by Revision #14.

CONDITION R-14-1: The permittee shall notify the ASMC and seek consultation with the US Fish and Wildlife Service if:

- a. The permit is modified in any way that causes an effect on species or Critical Habitat listed under the Endangered Species Act of 1973
- b. New information reveals the operation may affect Federally protected species or designated Critical Habitat in a manner or extent not previously considered or
- c. A new species is listed or Critical Habitat is designated under the Endangered Species Act that may be affected by the operation.

CONDITION R-14-2: The permittee shall contact the ASMC and consult with the Alabama Historic Preservation Officer if the permit is modified or if previously unknown archaeological or historic resources are discovered on the permit area. Upon discovery of previously unknown artifacts or archaeological features the permittee shall cease operations until the Alabama Historic Preservation Officer approves resumption of operations.

FINDING R-14-1: The Regulatory Authority has taken into account the effect of the originally proposed permitting action on properties listed or eligible for listing on the National Register of Historic Places. A site survey performed by PELA Geoenvironmental dated September 17, 2010 found no sites or structures eligible for listing on the National Register of Historic Places exist on the permit area or will be impacted by the mining operation. The Alabama

Historical Commission concurred with this finding by letter dated October 6, 2010. This finding is supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Regulatory Authority has determined that no additional protection measures are necessary. Concerns for unknown resources, which might be discovered during mining have been made conditions of the permit.

FINDING R-14-2: The US Fish and wildlife Service (FWS) commented by two letters dated November 17, 2010 on the areas to be added by this revision. The FWS indicated no endangered species or areas of concern exist on the proposed revision area. The FWS recommended that Best Management Practices be utilized to prevent offsite impacts. All ASMC permits incorporate Best Technology Currently Available, as well as BMP to prevent or minimize offsite impacts from mining operations. The Alabama Department of Conservation and Natural Resources (ADCNR) commented by letter dated January 4, 2011 on the proposed revision. The ADCNR provided a countywide listing of sensitive species but indicated no known species within 1.2 miles of the permit area. The Corps issued Nationwide Permit Authorizations SAM-2011-00370-CTM dated May 2, 2011 and SAM-2011-00371-CTM dated August 3, 2011. These authorizations require mitigation of 128 linear feet of ephemeral stream and 0.49 acres of wetland. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

FINDING R-14-3: The proposed permit area is:

- a. Not within an area under study or administrative proceedings under a petition, filed pursuant to Chapter 880-X-7 to have an area designated as unsuitable for surface coal mining operations:
- b. Not within an area designated as unsuitable for mining pursuant to Chapter 880-X-7 or subject to the prohibitions or limitations of Section 880-X-7B-.06 and Section 880-X-7B-.07 of this chapter.

FINDING R-14-4: Nature of Revision to affect Cumulative Hydrologic Impact Assessment (CHIA):

1. Add 79.0 mining acres to Increment #4 (Item #2 in NOR).

The additional acreage being added is adjacent to currently permitted area. One additional surface water site, site SW-3 is added to monitor downstream of all mining disturbance for this permit. An upstream site would most likely always show no flow conditions due to the size of the tributary.

Water data since operations began at sites 429-024 and SW-3 show no degradation of water quality at either site. These sites will continue to be monitored for the life of the mine as well as the additional SW-3 site.

The application for an adjacent permit ASMC P-3944 (Swann's Crossing Mine) showed similar overburden characteristics and water quality

projections as the Carter Mine (P-3819). The original CHIA for this permit is still applicable.

ACREAGE SUMMARY:

*	Increment #1 remains at -----	146 acres
*	Increment #2 remains at -----	49 acres
*	Increment #3 remains at -----	130 acres
*	Increment #4 increases to -----	389 acres
	Increment #5 remains at -----	0 acres
*	Increment #6 remains at -----	47 acres
*	Increment #7 remains at -----	36 acres
	Total -----	797 Acres


*** Bonded to date**

All other terms and conditions remain in effect as well as all Findings in the original permit and any Findings appropriate for this revision.

EFFECTIVE DATE: October 26, 2011

/ns

CC: I & E, Permit File



Randall C. Johnson, Director